

SHB 2576 - S AMD 408

By Senators Johnson, Kline

ADOPTED 03/07/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** Sexual assault is the most heinous crime
4 against another person short of murder. Sexual assault inflicts
5 humiliation, degradation, and terror on victims. According to the FBI,
6 a woman is raped every six minutes in the United States. Rape is
7 recognized as the most underreported crime; estimates suggest that only
8 one in seven rapes is reported to authorities. Victims who do not
9 report the crime still desire safety and protection from future
10 interactions with the offender. Some cases in which the rape is
11 reported are not prosecuted. In these situations, the victim should be
12 able to seek a civil remedy requiring that the offender stay away from
13 the victim.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires otherwise.

16 (1) "Nonconsensual" means a lack of freely given agreement.

17 (2) "Petitioner" means any named petitioner for the sexual assault
18 protection order or any named victim of nonconsensual sexual conduct or
19 nonconsensual sexual penetration on whose behalf the petition is
20 brought.

21 (3) "Sexual assault protection order" means an ex parte temporary
22 order or a final order granted under this chapter, which includes a
23 remedy authorized by section 10 of this act.

24 (4) "Sexual conduct" means any of the following:

25 (a) Any intentional or knowing touching or fondling of the
26 genitals, anus, or breasts, directly or indirectly, including through
27 clothing;

28 (b) Any intentional or knowing display of the genitals, anus, or

1 breasts for the purposes of arousal or sexual gratification of the
2 respondent;

3 (c) Any intentional or knowing touching or fondling of the
4 genitals, anus, or breasts, directly or indirectly, including through
5 clothing, that the petitioner is forced to perform by another person or
6 the respondent;

7 (d) Any forced display of the petitioner's genitals, anus, or
8 breasts for the purposes of arousal or sexual gratification of the
9 respondent or others;

10 (e) Any intentional or knowing touching of the clothed or unclothed
11 body of a child under the age of thirteen, if done for the purpose of
12 sexual gratification or arousal of the respondent or others; and

13 (f) Any coerced or forced touching or fondling by a child under the
14 age of thirteen, directly or indirectly, including through clothing, of
15 the genitals, anus, or breasts of the respondent or others.

16 (5) "Sexual penetration" means any contact, however slight, between
17 the sex organ or anus of one person by an object, the sex organ, mouth,
18 or anus of another person, or any intrusion, however slight, of any
19 part of the body of one person or of any animal or object into the sex
20 organ or anus of another person, including but not limited to
21 cunnilingus, fellatio, or anal penetration. Evidence of emission of
22 semen is not required to prove sexual penetration.

23 (6) "Nonphysical contact" includes, but is not limited to,
24 telephone calls, mail, e-mail, fax, and written notes.

25 NEW SECTION. **Sec. 3.** A petition for a sexual assault protection
26 order may be filed by a person:

27 (1) Who is a victim of nonconsensual sexual conduct or
28 nonconsensual sexual penetration, including a single incident of
29 nonconsensual sexual conduct or nonconsensual sexual penetration; or

30 (2) On behalf of any of the following persons who is a victim of
31 nonconsensual sexual conduct or nonconsensual sexual penetration:

- 32 (a) A minor child;
- 33 (b) A vulnerable adult as defined in RCW 74.34.020 or 74.34.021; or
- 34 (c) Any other adult who, because of age, disability, health, or
35 inaccessibility, cannot file the petition.

1 NEW SECTION. **Sec. 4.** (1) Any person may seek relief under this
2 chapter by filing a petition with a court alleging that the person has
3 been the victim of nonconsensual sexual conduct or nonconsensual sexual
4 penetration committed by the respondent.

5 (2) A person under eighteen years of age who is sixteen years of
6 age or older may seek relief under this chapter and is not required to
7 seek relief by a guardian or next friend.

8 (3) No guardian or guardian ad litem need be appointed on behalf of
9 a respondent to an action under this chapter who is under eighteen
10 years of age if such respondent is sixteen years of age or older.

11 (4) The court may, if it deems necessary, appoint a guardian ad
12 litem for a petitioner or respondent who is a party to an action under
13 this chapter.

14 (5) Jurisdiction of the courts over proceedings under this chapter
15 shall be the same as jurisdiction over domestic violence protection
16 orders under RCW 26.50.020(5).

17 (6) An action under this chapter shall be filed in the county or
18 the municipality where the petitioner resides.

19 NEW SECTION. **Sec. 5.** There shall exist an action known as a
20 petition for a sexual assault protection order.

21 (1) A petition for relief shall allege the existence of
22 nonconsensual sexual conduct or nonconsensual sexual penetration, and
23 shall be accompanied by an affidavit made under oath stating the
24 specific statements or actions made at the same time of the sexual
25 assault or subsequently thereafter, which give rise to a reasonable
26 fear of future dangerous acts, for which relief is sought. Petitioner
27 and respondent shall disclose the existence of any other litigation or
28 of any other restraining, protection, or no-contact orders between the
29 parties.

30 (2) A petition for relief may be made regardless of whether or not
31 there is a pending lawsuit, complaint, petition, or other action
32 between the parties.

33 (3) Within ninety days of receipt of the master copy from the
34 administrative office of the courts, all court clerk's offices shall
35 make available the standardized forms, instructions, and informational
36 brochures required by section 19 of this act and shall fill in and keep
37 current specific program names and telephone numbers for community

1 resources. Any assistance or information provided by clerks under this
2 section does not constitute the practice of law and clerks are not
3 responsible for incorrect information contained in a petition.

4 (4) No filing fee may be charged for proceedings under this
5 chapter. Forms and instructional brochures and the necessary number of
6 certified copies shall be provided free of charge.

7 (5) A person is not required to post a bond to obtain relief in any
8 proceeding under this section.

9 (6) If the petition states that disclosure of the petitioner's
10 address would risk abuse of the petitioner or any member of the
11 petitioner's family or household, that address may be omitted from all
12 documents filed with the court. If the petitioner has not disclosed an
13 address under this subsection, the petitioner shall designate an
14 alternative address at which the respondent may serve notice of any
15 motions.

16 NEW SECTION. **Sec. 6.** Upon receipt of the petition, the court
17 shall order a hearing which shall be held not later than fourteen days
18 from the date of the order. The court may schedule a hearing by
19 telephone pursuant to local court rule, to reasonably accommodate a
20 disability, or in exceptional circumstances to protect a petitioner
21 from further nonconsensual sexual conduct or nonconsensual sexual
22 penetration. The court shall require assurances of the petitioner's
23 identity before conducting a telephonic hearing. Except as provided in
24 section 12 of this act, personal service shall be made upon the
25 respondent not less than five court days prior to the hearing. If
26 timely personal service cannot be made, the court shall set a new
27 hearing date and shall require additional attempts at obtaining
28 personal service. The court may issue an ex parte temporary sexual
29 assault order pending the hearing as provided in section 12 of this
30 act.

31 NEW SECTION. **Sec. 7.** Sexual assault advocates, as defined in RCW
32 5.60.060, shall be allowed to accompany the victim and confer with the
33 victim, unless otherwise directed by the court. Court administrators
34 shall allow sexual assault advocates to assist victims of nonconsensual
35 sexual conduct or nonconsensual sexual penetration in the preparation
36 of petitions for sexual assault protection orders. Sexual assault

1 advocates are not engaged in the unauthorized practice of law when
2 providing assistance of the types specified in this section.
3 Communications between the petitioner and a sexual assault advocate are
4 protected as provided by RCW 5.60.060.

5 NEW SECTION. **Sec. 8.** The court may appoint counsel to represent
6 the petitioner if the respondent is represented by counsel.

7 NEW SECTION. **Sec. 9.** (1) In proceedings for a sexual assault
8 protection order and prosecutions for violating a sexual assault
9 protection order, the prior sexual activity or the reputation of the
10 petitioner is inadmissible except:

11 (a) As evidence concerning the past sexual conduct of the
12 petitioner with the respondent when this evidence is offered by the
13 respondent upon the issue of whether the petitioner consented to the
14 sexual conduct with respect to which the offense is alleged; or

15 (b) When constitutionally required to be admitted.

16 (2) No evidence admissible under this section may be introduced
17 unless ruled admissible by the court after an offer of proof has been
18 made at a hearing held in camera to determine whether the respondent
19 has evidence to impeach the witness in the event that prior sexual
20 activity with the respondent is denied. The offer of proof shall
21 include reasonably specific information as to the date, time, and place
22 of the past sexual conduct between the petitioner and the respondent.
23 Unless the court finds that reasonably specific information as to date,
24 time, or place, or some combination thereof, has been offered as to
25 prior sexual activity with the respondent, counsel for the respondent
26 shall be ordered to refrain from inquiring into prior sexual activity
27 between the petitioner and the respondent. The court may not admit
28 evidence under this section unless it determines at the hearing that
29 the evidence is relevant and the probative value of the evidence
30 outweighs the danger of unfair prejudice. The evidence shall be
31 admissible at trial to the extent an order made by the court specifies
32 the evidence that may be admitted and areas with respect to which the
33 petitioner may be examined or cross-examined.

34 NEW SECTION. **Sec. 10.** (1)(a) If the court finds by a
35 preponderance of the evidence that the petitioner has been a victim of

1 nonconsensual sexual conduct or nonconsensual sexual penetration by the
2 respondent, the court shall issue a sexual assault protection order;
3 provided that the petitioner must also satisfy the requirements of
4 section 12 of this act for ex parte temporary orders or section 13 of
5 this act for final orders.

6 (b) The petitioner shall not be denied a sexual assault protection
7 order because the petitioner or the respondent is a minor or because
8 the petitioner did not report the assault to law enforcement. The
9 court, when determining whether or not to issue a sexual assault
10 protection order, may not require proof of physical injury on the
11 person of the victim or proof that the petitioner has reported the
12 sexual assault to law enforcement. Modification and extension of prior
13 sexual assault protection orders shall be in accordance with this
14 chapter.

15 (2) The court may provide relief as follows:

16 (a) Restrain the respondent from having any contact, including
17 nonphysical contact, with the petitioner directly, indirectly, or
18 through third parties regardless of whether those third parties know of
19 the order;

20 (b) Exclude the respondent from the petitioner's residence,
21 workplace, or school, or from the day care or school of a child, if the
22 victim is a child;

23 (c) Prohibit the respondent from knowingly coming within, or
24 knowingly remaining within, a specified distance from a specified
25 location; and

26 (d) Order any other injunctive relief as necessary or appropriate
27 for the protection of the petitioner.

28 (3) In cases where the petitioner and the respondent are under the
29 age of eighteen and attend the same public or private elementary,
30 middle, or high school, the court, when issuing a protection order and
31 providing relief, shall consider, among the other facts of the case,
32 the severity of the act, any continuing physical danger or emotional
33 distress to the petitioner, and the expense difficulty, and educational
34 disruption that would be caused by a transfer of the respondent to
35 another school. The court may order that the person restrained in the
36 order not attend the public or approved private elementary, middle, or
37 high school attended by the person under the age of eighteen protected
38 by the order. In the event the court orders a transfer of the

1 restrained person to another school, the parents or legal guardians of
2 the person restrained in the order are responsible for transportation
3 and other costs associated with the change of school by the person
4 restrained in the order. The court shall send notice of the
5 restriction on attending the same school as the person protected by the
6 order to the public or approved private school the person restrained by
7 the order will attend and to the school the person protected by the
8 order attends.

9 (4) Denial of a remedy may not be based, in whole or in part, on
10 evidence that:

11 (a) The respondent was voluntarily intoxicated;

12 (b) The petitioner was voluntarily intoxicated; or

13 (c) The petitioner engaged in limited consensual sexual touching.

14 (5) Monetary damages are not recoverable as a remedy.

15 (6) A knowing violation of a court order issued under this section
16 is punishable under RCW 26.50.110.

17 NEW SECTION. **Sec. 11.** For the purposes of issuing a sexual
18 assault protection order, deciding what relief should be included in
19 the order, and enforcing the order, RCW 9A.08.020 shall govern whether
20 the respondent is legally accountable for the conduct of another
21 person.

22 NEW SECTION. **Sec. 12.** (1) An ex parte temporary sexual assault
23 protection order shall issue if the petitioner satisfies the
24 requirements of this subsection by a preponderance of the evidence.
25 The petitioner shall establish that:

26 (a) The petitioner has been a victim of nonconsensual sexual
27 conduct or nonconsensual sexual penetration by the respondent; and

28 (b) There is good cause to grant the remedy, regardless of prior
29 service of process or of notice upon the respondent, because the harm
30 which that remedy is intended to prevent would be likely to occur if
31 the respondent were given any prior notice, or greater notice than was
32 actually given, of the petitioner's efforts to obtain judicial relief.

33 (2) If the respondent appears in court for this hearing for an ex
34 parte temporary order, he or she may elect to file a general appearance
35 and testify. Any resulting order may be an ex parte temporary order,
36 governed by this section.

1 (3) If the court declines to issue an ex parte temporary sexual
2 assault protection order, the court shall state the particular reasons
3 for the court's denial. The court's denial of a motion for an ex parte
4 order shall be filed with the court.

5 (4) A knowing violation of a court order issued under this section
6 is punishable under RCW 26.50.110.

7 NEW SECTION. **Sec. 13.** (1)(a) An ex parte temporary sexual assault
8 protection order shall be effective for a fixed period not to exceed
9 fourteen days. A full hearing, as provided in this chapter, shall be
10 set for not later than fourteen days from the issuance of the temporary
11 order. Except as provided in section 6 of this act, the respondent
12 shall be personally served with a copy of the ex parte temporary sexual
13 assault protection order along with a copy of the petition and notice
14 of the date set for the hearing.

15 (b) Any ex parte temporary order issued under this section shall
16 contain the date and time of issuance and the expiration date and shall
17 be entered into a statewide judicial information system by the clerk of
18 the court within one judicial day after issuance.

19 (2) Except as otherwise provided in this section or section 16 of
20 this act, a final sexual assault protection order shall be effective
21 for a fixed period of time, not to exceed two years.

22 (3) Any ex parte temporary or final sexual assault protection order
23 may be renewed one or more times, as required. The petitioner may
24 apply for renewal of the order by filing a petition for renewal at any
25 time within the three months before the order expires. If the motion
26 for renewal is uncontested and the petitioner seeks no modification of
27 the order, the order may be renewed on the basis of the petitioner's
28 motion or affidavit stating that there has been no material change in
29 relevant circumstances since entry of the order and stating the reason
30 for the requested renewal. Renewals may be granted only in open court.

31 (4) Any sexual assault protection order which would expire on a
32 court holiday shall instead expire at the close of the next court
33 business day.

34 (5) The practice of dismissing or suspending a criminal prosecution
35 in exchange for the issuance of a sexual assault protection order
36 undermines the purposes of this chapter. This section shall not be
37 construed as encouraging that practice.

1 NEW SECTION. **Sec. 14.** (1) Any sexual assault protection order
2 shall describe each remedy granted by the court, in reasonable detail
3 and not by reference to any other document, so that the respondent may
4 clearly understand what he or she must do or refrain from doing.

5 (2) A sexual assault protection order shall further state the
6 following:

7 (a) The name of each petitioner that the court finds was the victim
8 of nonconsensual sexual conduct or nonconsensual sexual penetration by
9 the respondent;

10 (b) The date and time the sexual assault protection order was
11 issued, whether it is an ex parte temporary or final order, and the
12 duration of the order;

13 (c) The date, time, and place for any scheduled hearing for renewal
14 of that sexual assault protection order or for another order of greater
15 duration or scope;

16 (d) For each remedy in an ex parte temporary sexual assault
17 protection order, the reason for entering that remedy without prior
18 notice to the respondent or greater notice than was actually given;

19 (e) For ex parte temporary sexual assault protection orders, that
20 the respondent may petition the court, to reopen the order if he or she
21 did not receive actual prior notice of the hearing and if the
22 respondent alleges that he or she had a meritorious defense to the
23 order or that the order or its remedy is not authorized by this
24 chapter.

25 (3) A sexual assault protection order shall include the following
26 notice, printed in conspicuous type: "A knowing violation of this
27 sexual assault protection order is a criminal offense under chapter
28 26.50 RCW and will subject a violator to arrest. You can be arrested
29 even if any person protected by the order invites or allows you to
30 violate the order's prohibitions. You have the sole responsibility to
31 avoid or refrain from violating the order's provisions. Only the court
32 can change the order."

33 NEW SECTION. **Sec. 15.** (1) An order issued under this chapter
34 shall be personally served upon the respondent, except as provided in
35 subsection (6) of this section.

36 (2) The sheriff of the county or the peace officers of the

1 municipality in which the respondent resides shall serve the respondent
2 personally unless the petitioner elects to have the respondent served
3 by a private party.

4 (3) If service by a sheriff or municipal peace officer is to be
5 used, the clerk of the court shall have a copy of any order issued
6 under this chapter forwarded on or before the next judicial day to the
7 appropriate law enforcement agency specified in the order for service
8 upon the respondent. Service of an order issued under this chapter
9 shall take precedence over the service of other documents unless they
10 are of a similar emergency nature.

11 (4) If the sheriff or municipal peace officer cannot complete
12 service upon the respondent within ten days, the sheriff or municipal
13 peace officer shall notify the petitioner. The petitioner shall
14 provide information sufficient to permit notification.

15 (5) Returns of service under this chapter shall be made in
16 accordance with the applicable court rules.

17 (6) If an order entered by the court recites that the respondent
18 appeared in person before the court, the necessity for further service
19 is waived and proof of service of that order is not necessary.

20 NEW SECTION. **Sec. 16.** (1)(a) When any person charged with or
21 arrested for a sex offense as defined in RCW 9.94A.030, a violation of
22 RCW 9A.44.096, a violation of RCW 9.68A.090, or a gross misdemeanor
23 that is, under chapter 9A.28 RCW, a criminal attempt, criminal
24 solicitation, or criminal conspiracy to commit an offense that is
25 classified as a sex offense under RCW 9.94A.030, is released from
26 custody before arraignment or trial on bail or personal recognizance,
27 the court authorizing the release may prohibit that person from having
28 any contact with the victim. The jurisdiction authorizing the release
29 shall determine whether that person should be prohibited from having
30 any contact with the victim. If there is no outstanding restraining or
31 protective order prohibiting that person from having contact with the
32 victim, the court authorizing release may issue, by telephone, a sexual
33 assault protection order prohibiting the person charged or arrested
34 from having contact with the victim or from knowingly coming within, or
35 knowingly remaining within, a specified distance of a location.

36 (b) In issuing the order, the court shall consider the provisions
37 of RCW 9.41.800.

1 (c) The sexual assault protection order shall also be issued in
2 writing as soon as possible.

3 (2)(a) At the time of arraignment or whenever a motion is brought
4 to modify the conditions of the defendant's release, the court shall
5 determine whether a sexual assault protection order shall be issued or
6 extended. If a sexual assault protection order is issued or extended,
7 the court may also include in the conditions of release a requirement
8 that the defendant submit to electronic monitoring. If electronic
9 monitoring is ordered, the court shall specify who shall provide the
10 monitoring services, and the terms under which the monitoring shall be
11 performed. Upon conviction, the court may require as a condition of
12 the sentence that the defendant reimburse the providing agency for the
13 costs of the electronic monitoring.

14 (b) A sexual assault protection order issued by the court in
15 conjunction with criminal charges shall terminate if the defendant is
16 acquitted or the charges are dismissed, unless the victim files an
17 independent action for a sexual assault protection order. If the
18 victim files an independent action for a sexual assault protection
19 order, the order may be continued by the court until a full hearing is
20 conducted pursuant to section 6 of this act.

21 (3)(a) The written order releasing the person charged or arrested
22 shall contain the court's directives and shall bear the legend:
23 "Violation of this order is a criminal offense under chapter 26.50 RCW
24 and will subject a violator to arrest. You can be arrested even if any
25 person protected by the order invites or allows you to violate the
26 order's prohibitions. You have the sole responsibility to avoid or
27 refrain from violating the order's provisions. Only the court can
28 change the order."

29 (b) A certified copy of the order shall be provided to the victim
30 at no charge.

31 (4) If a sexual assault protection order has been issued prior to
32 charging, that order shall expire at arraignment or within seventy-two
33 hours if charges are not filed. Such orders need not be entered into
34 the computer-based criminal intelligence information system in this
35 state which is used by law enforcement agencies to list outstanding
36 warrants.

37 (5) Whenever an order prohibiting contact is issued pursuant to
38 subsection (2) of this section, the clerk of the court shall forward a

1 copy of the order on or before the next judicial day to the appropriate
2 law enforcement agency specified in the order. Upon receipt of the
3 copy of the order, the law enforcement agency shall enter the order for
4 one year or until the expiration date specified on the order into any
5 computer-based criminal intelligence information system available in
6 this state used by law enforcement agencies to list outstanding
7 warrants. Entry into the computer-based criminal intelligence
8 information system constitutes notice to all law enforcement agencies
9 of the existence of the order. The order is fully enforceable in any
10 jurisdiction in the state.

11 (6)(a) When a defendant is found guilty of a sex offense as defined
12 in RCW 9.94A.030, any violation of RCW 9A.44.096, or any violation of
13 RCW 9.68A.090, or any gross misdemeanor that is, under chapter 9A.28
14 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy
15 to commit an offense that is classified as a sex offense under RCW
16 9.94A.030, and a condition of the sentence restricts the defendant's
17 ability to have contact with the victim, the condition shall be
18 recorded as a sexual assault protection order.

19 (b) The written order entered as a condition of sentencing shall
20 contain the court's directives and shall bear the legend: "Violation
21 of this order is a criminal offense under chapter 26.50 RCW and will
22 subject a violator to arrest. You can be arrested even if any person
23 protected by the order invites or allows you to violate the order's
24 prohibitions. You have the sole responsibility to avoid or refrain
25 from violating the order's provisions. Only the court can change the
26 order."

27 (c) A final sexual assault protection order entered in conjunction
28 with a criminal prosecution shall remain in effect for a period of two
29 years following the expiration of any sentence of imprisonment and
30 subsequent period of community supervision, conditional release,
31 probation, or parole.

32 (d) A certified copy of the order shall be provided to the victim
33 at no charge.

34 (7) A knowing violation of a court order issued under subsection
35 (1), (2), or (6) of this section is punishable under RCW 26.50.110.

36 (8) Whenever a sexual assault protection order is issued, modified,
37 or terminated under subsection (1), (2), or (6) of this section, the
38 clerk of the court shall forward a copy of the order on or before the

1 next judicial day to the appropriate law enforcement agency specified
2 in the order. Upon receipt of the copy of the order, the law
3 enforcement agency shall enter the order for one year or until the
4 expiration date specified on the order into any computer-based criminal
5 intelligence information system available in this state used by law
6 enforcement agencies to list outstanding warrants. Entry into the
7 computer-based criminal intelligence information system constitutes
8 notice to all law enforcement agencies of the existence of the order.
9 The order is fully enforceable in any jurisdiction in the state. Upon
10 receipt of notice that an order has been terminated under subsection
11 (2) of this section, the law enforcement agency shall remove the order
12 from the computer-based criminal intelligence information system.

13 NEW SECTION. **Sec. 17.** (1) A copy of a sexual assault protection
14 order granted under this chapter shall be forwarded by the clerk of the
15 court on or before the next judicial day to the appropriate law
16 enforcement agency specified in the order. Upon receipt of the order,
17 the law enforcement agency shall immediately enter the order into any
18 computer-based criminal intelligence information system available in
19 this state used by law enforcement agencies to list outstanding
20 warrants. The order shall remain in the computer for one year or until
21 the expiration date specified on the order. Upon receipt of notice
22 that an order has been terminated, the law enforcement agency shall
23 remove the order from the computer-based criminal intelligence
24 information system. The law enforcement agency shall only expunge from
25 the computer-based criminal intelligence information system orders that
26 are expired, vacated, terminated, or superseded. Entry into the law
27 enforcement information system constitutes notice to all law
28 enforcement agencies of the existence of the order. The order is fully
29 enforceable in any county in the state.

30 (2) The information entered into the computer-based criminal
31 intelligence information system shall include notice to law enforcement
32 whether the order was personally served, served by publication, or
33 served by mail.

34 NEW SECTION. **Sec. 18.** Upon application with notice to all parties
35 and after a hearing, the court may modify the terms of an existing
36 sexual assault protection order. In any situation where an order is

1 terminated or modified before its expiration date, the clerk of the
2 court shall forward on or before the next judicial day a true copy of
3 the modified order or the termination order to the appropriate law
4 enforcement agency specified in the modified or termination order.
5 Upon receipt of the order, the law enforcement agency shall promptly
6 enter it in the computer-based criminal intelligence information
7 system, or if the order is terminated, remove the order from the
8 computer-based criminal intelligence information system.

9 NEW SECTION. **Sec. 19.** (1) The administrative office of the courts
10 shall develop and prepare instructions and informational brochures
11 required under section 5 of this act, standard petition and order for
12 protection forms, and a court staff handbook on sexual assault, and the
13 protection order process. The standard petition and order for
14 protection forms must be used after September 1, 2006, for all
15 petitions filed and orders issued under this chapter. The
16 instructions, brochures, forms, and handbook shall be prepared in
17 consultation with interested persons, including a representative of the
18 state sexual assault coalition, judges, and law enforcement personnel.

19 (a) The instructions shall be designed to assist petitioners in
20 completing the petition, and shall include a sample of standard
21 petition and order for protection forms.

22 (b) The informational brochure shall describe the use of and the
23 process for obtaining, modifying, and terminating a protection order as
24 provided under this chapter.

25 (c) The order for protection form shall include, in a conspicuous
26 location, notice of criminal penalties resulting from violation of the
27 order, and the following statement: "You can be arrested even if the
28 person or persons who obtained the order invite or allow you to violate
29 the order's prohibitions. The respondent has the sole responsibility
30 to avoid or refrain from violating the order's provisions. Only the
31 court can change the order upon written application."

32 (d) The court staff handbook shall allow for the addition of a
33 community resource list by the court clerk.

34 (2) All court clerks shall obtain a community resource list from a
35 sexual assault program serving the county in which the court is
36 located. The community resource list shall include the names and
37 telephone numbers of sexual assault programs serving the community in

1 which the court is located, including law enforcement agencies,
2 domestic violence agencies, sexual assault agencies, legal assistance
3 programs, interpreters, multicultural programs, and batterers'
4 treatment programs. The court shall make the community resource list
5 available as part of or in addition to the informational brochures
6 described in subsection (1) of this section.

7 (3) The administrative office of the courts shall distribute a
8 master copy of the petition and order forms, instructions, and
9 informational brochures to all court clerks and shall distribute a
10 master copy of the petition and order forms to all superior, district,
11 and municipal courts.

12 (4) For purposes of this section, "court clerks" means court
13 administrators in courts of limited jurisdiction and elected court
14 clerks.

15 (5) The administrative office of the courts shall determine the
16 significant non-English-speaking or limited English-speaking
17 populations in the state. The administrator shall then arrange for
18 translation of the instructions and informational brochures required by
19 this section, which shall contain a sample of the standard petition and
20 order for protection forms, into the languages spoken by those
21 significant non-English-speaking populations and shall distribute a
22 master copy of the translated instructions and informational brochures
23 to all court clerks by December 1, 2006.

24 (6) The administrative office of the courts shall update the
25 instructions, brochures, standard petition and order for protection
26 forms, and court staff handbook when changes in the law make an update
27 necessary.

28 NEW SECTION. **Sec. 20.** An ex parte temporary order issued under
29 this chapter shall not be admissible as evidence in any subsequent
30 civil action for damages arising from the conduct alleged in the
31 petition or the order.

32 **Sec. 21.** RCW 9A.46.060 and 2004 c 94 s 4 are each amended to read
33 as follows:

34 As used in this chapter, "harassment" may include but is not
35 limited to any of the following crimes:

- 36 (1) Harassment (RCW 9A.46.020);

1 (2) Malicious harassment (RCW 9A.36.080);
2 (3) Telephone harassment (RCW 9.61.230);
3 (4) Assault in the first degree (RCW 9A.36.011);
4 (5) Assault of a child in the first degree (RCW 9A.36.120);
5 (6) Assault in the second degree (RCW 9A.36.021);
6 (7) Assault of a child in the second degree (RCW 9A.36.130);
7 (8) Assault in the fourth degree (RCW 9A.36.041);
8 (9) Reckless endangerment (RCW 9A.36.050);
9 (10) Extortion in the first degree (RCW 9A.56.120);
10 (11) Extortion in the second degree (RCW 9A.56.130);
11 (12) Coercion (RCW 9A.36.070);
12 (13) Burglary in the first degree (RCW 9A.52.020);
13 (14) Burglary in the second degree (RCW 9A.52.030);
14 (15) Criminal trespass in the first degree (RCW 9A.52.070);
15 (16) Criminal trespass in the second degree (RCW 9A.52.080);
16 (17) Malicious mischief in the first degree (RCW 9A.48.070);
17 (18) Malicious mischief in the second degree (RCW 9A.48.080);
18 (19) Malicious mischief in the third degree (RCW 9A.48.090);
19 (20) Kidnapping in the first degree (RCW 9A.40.020);
20 (21) Kidnapping in the second degree (RCW 9A.40.030);
21 (22) Unlawful imprisonment (RCW 9A.40.040);
22 (23) Rape in the first degree (RCW 9A.44.040);
23 (24) Rape in the second degree (RCW 9A.44.050);
24 (25) Rape in the third degree (RCW 9A.44.060);
25 (26) Indecent liberties (RCW 9A.44.100);
26 (27) Rape of a child in the first degree (RCW 9A.44.073);
27 (28) Rape of a child in the second degree (RCW 9A.44.076);
28 (29) Rape of a child in the third degree (RCW 9A.44.079);
29 (30) Child molestation in the first degree (RCW 9A.44.083);
30 (31) Child molestation in the second degree (RCW 9A.44.086);
31 (32) Child molestation in the third degree (RCW 9A.44.089);
32 (33) Stalking (RCW 9A.46.110);
33 (34) Cyberstalking (RCW 9.61.260);
34 (35) Residential burglary (RCW 9A.52.025);
35 (36) Violation of a temporary (~~or~~) permanent, or final
36 protective order issued pursuant to chapter 7.-- (sections 1 through 20
37 of this act), 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW;

1 (37) Unlawful discharge of a laser in the first degree (RCW
2 9A.49.020); and
3 (38) Unlawful discharge of a laser in the second degree (RCW
4 9A.49.030).

5 **Sec. 22.** RCW 10.14.130 and 1987 c 280 s 13 are each amended to
6 read as follows:

7 Protection orders authorized under this chapter shall not be issued
8 for any action specifically covered by chapter 7.-- (sections 1 through
9 20 of this act), 10.99, or 26.50 RCW.

10 **Sec. 23.** RCW 10.31.100 and 2000 c 119 s 4 are each amended to read
11 as follows:

12 A police officer having probable cause to believe that a person has
13 committed or is committing a felony shall have the authority to arrest
14 the person without a warrant. A police officer may arrest a person
15 without a warrant for committing a misdemeanor or gross misdemeanor
16 only when the offense is committed in the presence of the officer,
17 except as provided in subsections (1) through (10) of this section.

18 (1) Any police officer having probable cause to believe that a
19 person has committed or is committing a misdemeanor or gross
20 misdemeanor, involving physical harm or threats of harm to any person
21 or property or the unlawful taking of property or involving the use or
22 possession of cannabis, or involving the acquisition, possession, or
23 consumption of alcohol by a person under the age of twenty-one years
24 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
25 or 9A.52.080, shall have the authority to arrest the person.

26 (2) A police officer shall arrest and take into custody, pending
27 release on bail, personal recognizance, or court order, a person
28 without a warrant when the officer has probable cause to believe that:

29 (a) An order has been issued of which the person has knowledge
30 under RCW 26.44.063, or chapter 7.-- (sections 1 through 20 of this
31 act), 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the
32 person and the person has violated the terms of the order restraining
33 the person from acts or threats of violence, or restraining the person
34 from going onto the grounds of or entering a residence, workplace,
35 school, or day care, or prohibiting the person from knowingly coming

1 within, or knowingly remaining within, a specified distance of a
2 location or, in the case of an order issued under RCW 26.44.063,
3 imposing any other restrictions or conditions upon the person; or

4 (b) A foreign protection order, as defined in RCW 26.52.010, has
5 been issued of which the person under restraint has knowledge and the
6 person under restraint has violated a provision of the foreign
7 protection order prohibiting the person under restraint from contacting
8 or communicating with another person, or excluding the person under
9 restraint from a residence, workplace, school, or day care, or
10 prohibiting the person from knowingly coming within, or knowingly
11 remaining within, a specified distance of a location, or a violation of
12 any provision for which the foreign protection order specifically
13 indicates that a violation will be a crime; or

14 (c) The person is sixteen years or older and within the preceding
15 four hours has assaulted a family or household member as defined in RCW
16 10.99.020 and the officer believes: (i) A felonious assault has
17 occurred; (ii) an assault has occurred which has resulted in bodily
18 injury to the victim, whether the injury is observable by the
19 responding officer or not; or (iii) that any physical action has
20 occurred which was intended to cause another person reasonably to fear
21 imminent serious bodily injury or death. Bodily injury means physical
22 pain, illness, or an impairment of physical condition. When the
23 officer has probable cause to believe that family or household members
24 have assaulted each other, the officer is not required to arrest both
25 persons. The officer shall arrest the person whom the officer believes
26 to be the primary physical aggressor. In making this determination,
27 the officer shall make every reasonable effort to consider: (i) The
28 intent to protect victims of domestic violence under RCW 10.99.010;
29 (ii) the comparative extent of injuries inflicted or serious threats
30 creating fear of physical injury; and (iii) the history of domestic
31 violence between the persons involved.

32 (3) Any police officer having probable cause to believe that a
33 person has committed or is committing a violation of any of the
34 following traffic laws shall have the authority to arrest the person:

35 (a) RCW 46.52.010, relating to duty on striking an unattended car
36 or other property;

37 (b) RCW 46.52.020, relating to duty in case of injury to or death
38 of a person or damage to an attended vehicle;

1 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
2 racing of vehicles;

3 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
4 influence of intoxicating liquor or drugs;

5 (e) RCW 46.20.342, relating to driving a motor vehicle while
6 operator's license is suspended or revoked;

7 (f) RCW 46.61.5249, relating to operating a motor vehicle in a
8 negligent manner.

9 (4) A law enforcement officer investigating at the scene of a motor
10 vehicle accident may arrest the driver of a motor vehicle involved in
11 the accident if the officer has probable cause to believe that the
12 driver has committed in connection with the accident a violation of any
13 traffic law or regulation.

14 (5) Any police officer having probable cause to believe that a
15 person has committed or is committing a violation of RCW 79A.60.040
16 shall have the authority to arrest the person.

17 (6) An officer may act upon the request of a law enforcement
18 officer in whose presence a traffic infraction was committed, to stop,
19 detain, arrest, or issue a notice of traffic infraction to the driver
20 who is believed to have committed the infraction. The request by the
21 witnessing officer shall give an officer the authority to take
22 appropriate action under the laws of the state of Washington.

23 (7) Any police officer having probable cause to believe that a
24 person has committed or is committing any act of indecent exposure, as
25 defined in RCW 9A.88.010, may arrest the person.

26 (8) A police officer may arrest and take into custody, pending
27 release on bail, personal recognizance, or court order, a person
28 without a warrant when the officer has probable cause to believe that
29 an order has been issued of which the person has knowledge under
30 chapter 10.14 RCW and the person has violated the terms of that order.

31 (9) Any police officer having probable cause to believe that a
32 person has, within twenty-four hours of the alleged violation,
33 committed a violation of RCW 9A.50.020 may arrest such person.

34 (10) A police officer having probable cause to believe that a
35 person illegally possesses or illegally has possessed a firearm or
36 other dangerous weapon on private or public elementary or secondary
37 school premises shall have the authority to arrest the person.

1 For purposes of this subsection, the term "firearm" has the meaning
2 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
3 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

4 (11) Except as specifically provided in subsections (2), (3), (4),
5 and (6) of this section, nothing in this section extends or otherwise
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (12) No police officer may be held criminally or civilly liable for
8 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
9 officer acts in good faith and without malice.

10 **Sec. 24.** RCW 19.220.010 and 2003 c 268 s 1 are each amended to
11 read as follows:

12 (1) Each international matchmaking organization doing business in
13 Washington state shall disseminate to a recruit, upon request, state
14 background check information and personal history information relating
15 to any Washington state resident about whom any information is provided
16 to the recruit, in the recruit's native language. The organization
17 shall notify all recruits that background check and personal history
18 information is available upon request. The notice that background
19 check and personal history information is available upon request shall
20 be in the recruit's native language and shall be displayed in a manner
21 that separates it from other information, is highly noticeable, and in
22 lettering not less than one-quarter of an inch high.

23 (2) If an international matchmaking organization receives a request
24 for information from a recruit pursuant to subsection (1) of this
25 section, the organization shall notify the Washington state resident of
26 the request. Upon receiving notification, the Washington state
27 resident shall obtain from the state patrol and provide to the
28 organization the complete transcript of any background check
29 information provided pursuant to RCW 43.43.760 based on a submission of
30 fingerprint impressions and provided pursuant to RCW 43.43.838 and
31 shall provide to the organization his or her personal history
32 information. The organization shall require the resident to affirm
33 that personal history information is complete and accurate. The
34 organization shall refrain from knowingly providing any further
35 services to the recruit or the Washington state resident in regards to
36 facilitating future interaction between the recruit and the Washington

1 state resident until the organization has obtained the requested
2 information and provided it to the recruit.

3 (3) This section does not apply to a traditional matchmaking
4 organization of a religious nature that otherwise operates in
5 compliance with the laws of the countries of the recruits of such
6 organization and the laws of the United States nor to any organization
7 that does not charge a fee to any party for the service provided.

8 (4) As used in this section:

9 (a) "International matchmaking organization" means a corporation,
10 partnership, business, or other legal entity, whether or not organized
11 under the laws of the United States or any state, that does business in
12 the United States and for profit offers to Washington state residents,
13 including aliens lawfully admitted for permanent residence and residing
14 in Washington state, dating, matrimonial, or social referral services
15 involving citizens of a foreign country or countries who are not
16 residing in the United States, by: (i) An exchange of names, telephone
17 numbers, addresses, or statistics; (ii) selection of photographs; or
18 (iii) a social environment provided by the organization in a country
19 other than the United States.

20 (b) "Personal history information" means a declaration of the
21 person's current marital status, the number of previous marriages,
22 annulments, and dissolutions for the person, and whether any previous
23 marriages occurred as a result of receiving services from an
24 international matchmaking organization; founded allegations of child
25 abuse or neglect; and any existing orders under chapter 7.-- (sections
26 1 through 20 of this act), 10.14, 10.99, or 26.50 RCW. Personal
27 history information shall include information from the state of
28 Washington and any information from other states or countries.

29 (c) "Recruit" means a noncitizen, nonresident person, recruited by
30 an international matchmaking organization for the purpose of providing
31 dating, matrimonial, or social referral services.

32 **Sec. 25.** RCW 26.50.110 and 2000 c 119 s 24 are each amended to
33 read as follows:

34 (1) Whenever an order is granted under this chapter, chapter 7.--
35 (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or
36 74.34 RCW, or there is a valid foreign protection order as defined in
37 RCW 26.52.020, and the respondent or person to be restrained knows of

1 the order, a violation of the restraint provisions, or of a provision
2 excluding the person from a residence, workplace, school, or day care,
3 or of a provision prohibiting a person from knowingly coming within, or
4 knowingly remaining within, a specified distance of a location, or of
5 a provision of a foreign protection order specifically indicating that
6 a violation will be a crime, for which an arrest is required under RCW
7 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in
8 subsections (4) and (5) of this section. Upon conviction, and in
9 addition to any other penalties provided by law, the court may require
10 that the respondent submit to electronic monitoring. The court shall
11 specify who shall provide the electronic monitoring services, and the
12 terms under which the monitoring shall be performed. The order also
13 may include a requirement that the respondent pay the costs of the
14 monitoring. The court shall consider the ability of the convicted
15 person to pay for electronic monitoring.

16 (2) A peace officer shall arrest without a warrant and take into
17 custody a person whom the peace officer has probable cause to believe
18 has violated an order issued under this chapter, chapter 7.-- (sections
19 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or
20 a valid foreign protection order as defined in RCW 26.52.020, that
21 restrains the person or excludes the person from a residence,
22 workplace, school, or day care, or prohibits the person from knowingly
23 coming within, or knowingly remaining within, a specified distance of
24 a location, if the person restrained knows of the order. Presence of
25 the order in the law enforcement computer-based criminal intelligence
26 information system is not the only means of establishing knowledge of
27 the order.

28 (3) A violation of an order issued under this chapter, chapter 7.--
29 (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26, or
30 74.34 RCW, or of a valid foreign protection order as defined in RCW
31 26.52.020, shall also constitute contempt of court, and is subject to
32 the penalties prescribed by law.

33 (4) Any assault that is a violation of an order issued under this
34 chapter, chapter 7.-- (sections 1 through 20 of this act), 10.99,
35 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection
36 order as defined in RCW 26.52.020, and that does not amount to assault
37 in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a

1 class C felony, and any conduct in violation of such an order that is
2 reckless and creates a substantial risk of death or serious physical
3 injury to another person is a class C felony.

4 (5) A violation of a court order issued under this chapter, chapter
5 7.-- (sections 1 through 20 of this act), 10.99, 26.09, 26.10, 26.26,
6 or 74.34 RCW, or of a valid foreign protection order as defined in RCW
7 26.52.020, is a class C felony if the offender has at least two
8 previous convictions for violating the provisions of an order issued
9 under this chapter, chapter 7.-- (sections 1 through 20 of this act),
10 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
11 order as defined in RCW 26.52.020. The previous convictions may
12 involve the same victim or other victims specifically protected by the
13 orders the offender violated.

14 (6) Upon the filing of an affidavit by the petitioner or any peace
15 officer alleging that the respondent has violated an order granted
16 under this chapter, chapter 7.-- (sections 1 through 20 of this act),
17 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
18 order as defined in RCW 26.52.020, the court may issue an order to the
19 respondent, requiring the respondent to appear and show cause within
20 fourteen days why the respondent should not be found in contempt of
21 court and punished accordingly. The hearing may be held in the court
22 of any county or municipality in which the petitioner or respondent
23 temporarily or permanently resides at the time of the alleged
24 violation.

25 **Sec. 26.** RCW 26.50.160 and 2000 c 119 s 25 and 2000 c 51 s 1 are
26 each reenacted and amended to read as follows:

27 To prevent the issuance of competing protection orders in different
28 courts and to give courts needed information for issuance of orders,
29 the judicial information system shall be available in each district,
30 municipal, and superior court by July 1, 1997, and shall include a data
31 base containing the following information:

32 (1) The names of the parties and the cause number for every order
33 of protection issued under this title, every sexual assault protection
34 order issued under chapter 7.-- RCW (sections 1 through 20 of this
35 act), every criminal no-contact order issued under chapters 9A.46 and
36 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW,
37 every dissolution action under chapter 26.09 RCW, every third-party

1 custody action under chapter 26.10 RCW, every parentage action under
2 chapter 26.26 RCW, every restraining order issued on behalf of an
3 abused child or adult dependent person under chapter 26.44 RCW, every
4 foreign protection order filed under chapter 26.52 RCW, and every order
5 for protection of a vulnerable adult under chapter 74.34 RCW. When a
6 guardian or the department of social and health services has petitioned
7 for relief on behalf of an abused child, adult dependent person, or
8 vulnerable adult, the name of the person on whose behalf relief was
9 sought shall be included in the data base as a party rather than the
10 guardian or department;

11 (2) A criminal history of the parties; and

12 (3) Other relevant information necessary to assist courts in
13 issuing orders under this chapter as determined by the judicial
14 information system committee.

15 **Sec. 27.** RCW 59.18.575 and 2004 c 17 s 3 are each amended to read
16 as follows:

17 (1)(a) If a tenant notifies the landlord in writing that he or she
18 or a household member was a victim of an act that constitutes a crime
19 of domestic violence, sexual assault, or stalking, and either (a)(i) or
20 (ii) of this subsection applies, then subsection (2) of this section
21 applies:

22 (i) The tenant or the household member has a valid order for
23 protection under one or more of the following: Chapter 7.-- (sections
24 1 through 20 of this act), 26.50, or 26.26 RCW or RCW 9A.46.040,
25 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

26 (ii) The tenant or the household member has reported the domestic
27 violence, sexual assault, or stalking to a qualified third party acting
28 in his or her official capacity and the qualified third party has
29 provided the tenant or the household member a written record of the
30 report signed by the qualified third party.

31 (b) When a copy of a valid order for protection or a written record
32 of a report signed by a qualified third party, as required under (a) of
33 this subsection, is made available to the landlord, the tenant may
34 terminate the rental agreement and quit the premises without further
35 obligation under the rental agreement or under chapter 59.12 RCW.
36 However, the request to terminate the rental agreement must occur
37 within ninety days of the reported act, event, or circumstance that

1 gave rise to the protective order or report to a qualified third party.
2 A record of the report to a qualified third party that is provided to
3 the tenant or household member shall consist of a document signed and
4 dated by the qualified third party stating: (i) That the tenant or the
5 household member notified him or her that he or she was a victim of an
6 act or acts that constitute a crime of domestic violence, sexual
7 assault, or stalking; (ii) the time and date the act or acts occurred;
8 (iii) the location where the act or acts occurred; (iv) a brief
9 description of the act or acts of domestic violence, sexual assault, or
10 stalking; and (v) that the tenant or household member informed him or
11 her of the name of the alleged perpetrator of the act or acts. The
12 record of the report provided to the tenant or household member shall
13 not include the name of the alleged perpetrator of the act or acts of
14 domestic violence, sexual assault, or stalking. The qualified third
15 party shall keep a copy of the record of the report and shall note on
16 the retained copy the name of the alleged perpetrator of the act or
17 acts of domestic violence, sexual assault, or stalking. The record of
18 the report to a qualified third party may be accomplished by completion
19 of a form provided by the qualified third party, in substantially the
20 following form:

21

22 [Name of organization, agency, clinic, professional service provider]

23 I and/or my (household member) am/is a victim of

24 ... domestic violence as defined by RCW 26.50.010.

25 ... sexual assault as defined by RCW 70.125.030.

26 ... stalking as defined by RCW 9A.46.110.

27 Briefly describe the incident of domestic violence, sexual assault, or stalking:

28

29 The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the

30 following location(s):

31 The incident(s) that I rely on in support of this declaration were committed by the following person(s):

32

33 I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

34 Dated at (city) ., Washington, this ... day of, 20 ..

35

36 Signature of Tenant or

37 Household Member

1 I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and
2 that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, or stalking, and
3 that the individual informed me of the name of the alleged perpetrator of the act.

4 Dated this . . . day of . . . , 20. . .

5
6 Signature of authorized
7 officer/employee of
8 (Organization, agency,
9 clinic, professional
10 service provider)

11 (2) A tenant who terminates a rental agreement under this section
12 is discharged from the payment of rent for any period following the
13 last day of the month of the quitting date. The tenant shall remain
14 liable for the rent for the month in which he or she terminated the
15 rental agreement unless the termination is in accordance with RCW
16 59.18.200(1). Notwithstanding lease provisions that allow for
17 forfeiture of a deposit for early termination, a tenant who terminates
18 under this section is entitled to the return of the full deposit,
19 subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties
20 to the rental agreement, except household members who are the victims
21 of sexual assault, stalking, or domestic violence, are not released
22 from their obligations under the rental agreement or other obligations
23 under this chapter.

24 (3) The provision of verification of a report under subsection
25 (1)(b) of this section does not waive the confidential or privileged
26 nature of the communication between a victim of domestic violence,
27 sexual assault, or stalking with a qualified third party pursuant to
28 RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence
29 obtained from such disclosure may be used in any civil, administrative,
30 or criminal proceeding against the victim unless a written waiver of
31 applicable evidentiary privilege is obtained, except that the
32 verification itself, and no other privileged information, under
33 subsection (1)(b) of this section may be used in civil proceedings
34 brought under this section.

35 NEW SECTION. **Sec. 28.** This act may be cited as the sexual assault
36 protection order act.

1 NEW SECTION. **Sec. 29.** Sections 1 through 20 of this act
2 constitute a new chapter in Title 7 RCW."

SHB 2576 - S AMD

By Senators Johnson, Kline

ADOPTED 03/07/2006

3 On page 1, line 1 of the title, after "victims;" strike the
4 remainder of the title and insert "amending RCW 9A.46.060, 10.14.130,
5 10.31.100, 19.220.010, 26.50.110, and 59.18.575; reenacting and
6 amending RCW 26.50.160; adding a new chapter to Title 7 RCW; creating
7 a new section; and prescribing penalties."

--- END ---